

In the Claims:

1-10. (Cancelled)

11. (Currently Amended) A recombinant host cell comprising ~~the~~ recombinant DNA construct ~~of claim 5~~ encoding the antifungal protein as set forth in SEQ ID NO:4, wherein said host cell is selected from the group consisting of a bacterial cell, a fungal cell, and a plant cell.

12. (Previously Presented) The recombinant host cell of claim 11 wherein said plant cell is selected from the group consisting of an Acacia, alfalfa, aneth, apple, apricot, artichoke, arugula, asparagus, avocado, banana, barley, beans, beet, blackberry, blueberry, broccoli, brussels sprouts, cabbage, canola, cantaloupe, carrot, cassava, castorbean, cauliflower, celery, cherry, chicory, cilantro, citrus, clementines, clover, coconut, coffee, corn, cotton, cucumber, Douglas fir, eggplant, endive, escarole, eucalyptus, fennel, figs, garlic, gourd, grape, grapefruit, honey dew, jicama, kiwifruit, lettuce, leeks, lemon, lime, Loblolly pine, linseed, mango, melon, mushroom, nectarine, nut, oat, oil palm, oil seed rape, okra, olive, onion, orange, an ornamental plant, palm, papaya, parsley, parsnip, pea, peach, peanut, pear, pepper, persimmon, pine, pineapple, plantain, plum, pomegranate, poplar, potato, pumpkin, quince, radiata pine, radicchio, radish, rapeseed, raspberry, rice, rye, sorghum, Southern pine, soybean, spinach, squash, strawberry, sugarbeet, sugarcane, sunflower, sweet potato, sweetgum, tangerine, tea, tobacco, tomato, triticale, turf, turnip, a vine, watermelon, wheat, yams, or zucchini plant.

13. (Previously Presented) A transgenic plant comprising a nucleotide sequence encoding the antifungal protein as set forth in SEQ ID NO:4.

14. (Previously Presented) Progeny, seed, or tissue from the plant as set forth in Claim 13, wherein said progeny, seed, or tissue comprise said nucleotide sequence.

15. (Previously Presented) The transgenic plant of claim 13, wherein the transgenic plant is an - Acacia, alfalfa, aneth, apple, apricot, artichoke, arugula, asparagus, avocado, banana, barley, beans, beet, blackberry, blueberry, broccoli, brussels sprouts, cabbage, canola, cantaloupe, carrot, cassava, castorbean, cauliflower, celery, cherry, chicory, cilantro, citrus, clementines, clover, coconut, coffee, corn, cotton, cucumber, Douglas fir, eggplant, endive, escarole, eucalyptus, fennel, figs, garlic, gourd, grape, grapefruit, honey dew, jicama, kiwifruit, lettuce, leeks, lemon, lime, Loblolly pine, linseed, mango, melon, mushroom, nectarine, nut, oat, oil palm, oil seed rape, okra, olive, onion, orange, an ornamental plant, palm, papaya, parsley, parsnip, pea, peach, peanut, pear, pepper, persimmon, pine, pineapple, plantain, plum, pomegranate, poplar, potato, pumpkin, quince, radiata pine, radicchio, radish, rapeseed, raspberry, rice, rye, sorghum, Southern pine, soybean, spinach, squash, strawberry, sugarbeet,

sugarcane, sunflower, sweet potato, sweetgum, tangerine, tea, tobacco, tomato, triticale, turf, turnip, a vine, watermelon, wheat, yams, or zucchini plant.

16. (Previously Presented) A method for preparing a transgenic plant comprising:

- a) selecting a host plant cell for transformation;
- b) transforming the host plant cell with a nucleic acid sequence that encodes an antifungal protein as set forth in SEQ ID NO:4;
- c) obtaining a transformed plant cell comprising said sequence; and
- d) regenerating a transgenic plant from the transformed plant cell,

wherein said transgenic plant is more resistant to fungal pathogens relative to a non-transgenic plant of the same species.

17. (Previously Presented) The method of claim 16, wherein the nucleic acid sequence comprises SEQ ID NO:3 or hybridizes under stringent conditions to SEQ ID NO:3, or to the complement thereof.

18. (Previously Presented) The method of claim 17, wherein the nucleic acid sequence is a synthetic nucleic acid sequence.

19. (Previously Presented) The method of claim 17, wherein the fungal pathogens comprise *Phytophthora infestans*, *Fusarium graminearum*, *Fusarium moniliforme*, *Verticillium dahliae* and *Stagnospora nodorum*.

20. (Previously Presented) The method of claim 16, wherein the host plant cell is selected from the group consisting of an Acacia, alfalfa, aneth, apple, apricot, artichoke, arugula, asparagus, avocado, banana, barley, beans, beet, blackberry, blueberry, broccoli, brussels sprouts, cabbage, canola, cantaloupe, carrot, cassava, castorbean, cauliflower, celery, cherry, chicory, cilantro, citrus, clementines, clover, coconut, coffee, corn, cotton, cucumber, Douglas fir, eggplant, endive, escarole, eucalyptus, fennel, figs, garlic, gourd, grape, grapefruit, honey dew, jicama, kiwifruit, lettuce, leeks, lemon, lime, Loblolly pine, linseed, mango, melon, mushroom, nectarine, nut, oat, oil palm, oil seed rape, okra, olive, onion, orange, an ornamental plant, palm, papaya, parsley, parsnip, pea, peach, peanut, pear, pepper, persimmon, pine, pineapple, plantain, plum, pomegranate, poplar, potato, pumpkin, quince, radiata pine,

radicchio, radish, rapeseed, raspberry, rice, rye, sorghum, Southern pine, soybean, spinach, squash, strawberry, sugarbeet, sugarcane, sunflower, sweet potato, sweetgum, tangerine, tea, tobacco, tomato, triticale, turf, turnip, a vine, watermelon, wheat, yams, or zucchini plant cell.

22 -24. (Cancelled)